

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No. : 10/019,904 Confirmation No. 1012
Applicant : Victor John Yannacone, Jr. et al.
Filed : May 6, 2002
Title : **METHOD AND APPARATUS FOR HIGH RESOLUTION
DYNAMIC INFRARED IMAGING**
Art Unit : 3768
Examiner : Jennifer A. Horwat
Customer No. : 28289

DECLARATION UNDER 37 C.F.R. § 1.131

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Victor John Yannacone, Jr. hereby declare as follows:

1. Carol A. Yannacone, Benjamin A. Rousseau, Jacob Green, William B. Hobbins and I are the named inventors of the invention described and claimed in the above-captioned application. All rights, titles and interests in and to the application and the inventions and improvements therein disclosed have been assigned to me.

2. The above-captioned application is the national stage of international application no. PCT/US00/16851, filed June 20, 2000, which claims priority from United States provisional patent application no. 60/140,128, filed June 21, 1999.

3. Prior to February of 1999, I contacted the law firm of Webb, Ziesenheim, Logsdon, Orkin and Hanson, P.C. (The Webb Law Firm, P.C.), regarding the present invention, which had been conceived of prior to this initial contact with The Webb Law Firm.

4. Between the time of my initial contact with The Webb Law Firm, and the filing of the above-identified provisional application on June 21, 1999, we diligently pursued reducing the invention to actual practice, explaining the invention to patent counsel at The Webb Law Firm, P.C., and reviewing the patent application prepared by patent counsel.

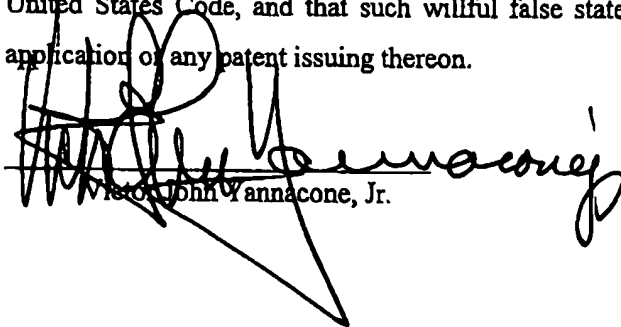
Page 1 of 2

(W0291241.1)

5. In fact, the original images comprising Figs. 8a and 8b of the above-identified provisional application, which figures evidence an actual reduction to practice of the invention, were made prior to June of 1999 (see attached Exhibit 1 which includes copies of the images comprising Figs. 8a and 8b in the above-identified provisional application and the date of acquisition of these images).

6. The aforementioned activity and conduct demonstrates the required evidence of conception, diligence and reduction to practice of the present invention.

7. I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.



Victor John Yannacone, Jr.

13 October 2006
Date